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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,
Plaintiff,

vs.

JORGE ALFREDO SOTO,
Defendant.

CASE NO: 2:20-cr-003-APG-EJY-2

ORDER

(Tenth Request)

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore,
the Court finds that:

1. Defense Counsel has previously informed the Government that Mr. Soto may suffer from intellectual deficiencies
2. Ms. Melanee Smith, the U.S. Attorney, has requested the continuance so that the Government's expert doctor would be able to conduct the evaluation on Mr. Soto.
3. The additional time requested by this Stipulation is excludable in computing the time for which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(7)(A), considering the factors under 18 U.S.C. Sections 3161(h)(7)(B)(i) and (iv).

- 1 4. JORGE ALFREDO SOTO is not in custody, and he does not oppose the
- 2 requested continuance.
- 3 5. Denial of this request for continuance would deny the defendant the opportunity
- 4 to effectively prepare for trial.
- 5 6. The additional time requested herein is not sought for purposes of delay.
- 6 7. Additionally, denial of this request for continuance could result in a miscarriage
- 7 of justice.

8 **CONCLUSION OF LAW**

9 The ends of justice served by granting said continuance outweigh the best interests of
10 the public and the defense in a speedy trial, since the failure to grant said continuance would
11 be likely to result in a miscarriage of justice, would deny the defendant sufficient time and
12 the opportunity within which to be able to effectively and thoroughly prepare for trial, taking
13 into account the exercise of due diligence.

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15 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
16 United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

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ORDER

IT IS THEREFORE ORDERED that the evidentiary hearing currently scheduled for October 19, 2022, at the hour of 9:00 a.m. be vacated and continued to the **12th day of January, 2023, at the hour of 9:00 a.m. in Courtroom 4B.**

~~IT IS FURTHER ORDERED that the pretrial motions are due by the _____ day of _____, 20____; Responses are due by _____ day of _____, 20____. Replies (if any) are due by _____ day of _____, 20____.~~

DATED this 18th day of October, 2022.


UNITED STATES MAGISTRATE JUDGE